

1 LEVI & KORSINSKY, LLP
2 Rosemary M. Rivas
3 Rosanne L. Mah
4 44 Montgomery Street, Suite 650
5 San Francisco, CA 94104
6 Telephone: (415) 373-1671
7 E-mail: rrivas@zlk.com

8 *Attorneys for Lead Plaintiffs*

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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12

13 ARTHUR KAYE IRA FCC AS
14 CUSTODIAN DTD 6-8-00 and
15 HAYDEN LEASON, Individually and
16 On Behalf of All Others Similarly
17 Situated,

18 Plaintiffs,

19 v.

20 IMMUNOCELLULAR
21 THERAPEUTICS, LTD., DAVID
22 FRACTOR, MANISH SINGH, LAVOS,
23 LLC, LIDINGO HOLDINGS, LLC,
24 KAMILLA BJORLIN, ANDREW
25 HODGE, and BRIAN NICHOLS,

26 Defendants.
27
28

Case No. 2:17-cv-03250-FMO (SK)

CLASS ACTION

**LEAD PLAINTIFFS' NOTICE OF
MOTION AND MOTION FOR
FINAL APPROVAL OF CLASS
ACTION SETTLEMENT, CLASS
CERTIFICATION AND PLAN
OF ALLOCATION**

Date: August 22, 2019

Time: 10:00 a.m.

Room: 6D

Judge: Hon. Fernando M. Olguin

**TO THE CLERK OF THE COURT AND ALL PARTIES AND
THEIR ATTORNEYS OF RECORD HEREIN:**

PLEASE TAKE NOTICE that, pursuant to Court's Order Re: Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class ("Preliminary Approval Order," Dkt. 136) on August 22, 2019 at 10:00 a.m. before the Honorable Fernando M. Olguin, in Courtroom 6D of the United States District Court, Central District of California, 350 W. 1st Street, Los Angeles, California 90012, Lead Plaintiffs Arthur Kaye IRA FCC as Custodian DTD 6-8-00 and Hayden Leason ("Lead Plaintiffs")¹ will and hereby do move the Court for an order, (1) granting final approval of the Settlement in the above-captioned action on the terms set forth in the Stipulation, (2) certifying the Settlement Class, and (3) approving the proposed Plan of Allocation for distribution of the Settlement Fund. This motion is based on this Notice of Motion; the Memorandum of Point and Authorities in Support Thereof; the Joint Declaration of Rosemary M. Rives, Esq., Joshua W. Ruthizer, Esq., and Lesley F. Portnoy, Esq. in Support of (I) Plaintiffs' Motion for Final Approval of Settlement, Class Certification and Plan of Allocation; and (II) Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses; the exhibits thereto; all pleadings and papers filed herein; arguments of counsel; and any other matters properly before the court.

Counsel is unaware of any opposition to this motion. Pursuant to the Preliminary Approval Order, any objection to any aspect of the Settlement of the Plan of Allocation must be filed on or before June 4, 2019. To date, no objections have been filed.

A proposed Order granting the requested relief has been filed concurrently herewith. An updated proposed Order will be submitted with Lead Plaintiffs' reply papers after the deadline for requesting exclusion has passed, in order to incorporate requests for exclusion from the Settlement Class, if any are received.

¹ Unless otherwise noted, all capitalized terms herein have the same meaning set forth in the Parties' Amended Stipulation of Settlement dated December 10, 2018 (the "Stipulation"). Docket Entry ("Dkt.") 132.

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2 Dated: May 3, 2019

Respectfully submitted,

3 By: /s/ Rosemary M. Rivas

4 **LEVI & KORSINSKY, LLP**

Rosemary M. Rivas

5 Rosanne L. Mah

44 Montgomery Street, Suite 650

6 San Francisco, CA 94104

7 Telephone: (415) 373-1671

E-mail: rrivas@zlk.com

8
9 *Co-Lead Counsel for Plaintiffs and the
Class*

10 **WOLF POPPER LLP**

11 Robert C. Finkel

12 Joshua W. Ruthizer

845 Third Avenue

13 New York, NY 10022

14 Telephone: (212) 759-4600

Facsimile: (212) 486-2093

15 E-mail: rfinkel@wolfpopper.com

16 E-mail: jruthizer@wolfpopper.com

17 *Co-Lead Counsel for Plaintiffs and the
Class*

18
19 **GLANCY PRONGAY & MURRAY
LLP**

20 Lionel Z. Glancy

Robert V. Prongay

21 Lesley F. Portnoy

Charles H. Linehan

22 1925 Century Park East, Suite 2100

23 Los Angeles, CA 90067

24 Telephone: (310) 201-9150

Facsimile: (310) 201-9160

25 Email: lglancy@glancylaw.com

26 *Liaison Counsel for Plaintiffs*

